

ESTTA Tracking number: **ESTTA582109**

Filing date: **01/16/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212801
Party	Defendant Nutritional Science Solutions Ltd
Correspondence Address	NUTRITIONAL SCIENCE SOLUTIONS LTD 145-157 ST JOHN STREET LONDON EC1V 4PW, UNITED KINGDOM waheedan@jariwalla.com
Submission	Other Motions/Papers
Filer's Name	Waheedan Jariwalla
Filer's e-mail	waheedan@jariwalla.com
Signature	/wj/
Date	01/16/2014
Attachments	energypep - foreign counsel.pdf(89406 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of Application Serial No. 85/548,096
Published in the Official Gazette on June 4, 2013**

-----	X	
PEPSICO INC.	:	
	:	
Opposer/Plaintiff	:	Opposition No. 91212801
	:	
-against-	:	
	:	
NUTITIONAL SCIENCE	:	
SOLUTIONS LIMITED	:	
	:	
Applicant/Defendant	:	
-----	X	

RESPONSE TO INTERLOCUTORY ATTORNEY

Not Foreign Counsel

This is to confirm that counsel (Mrs. Waheedan Jariwalla) representing Nutritional Science Solutions Limited (“applicant”) is an attorney who is a member in good standing of the bar of the highest court of the state of Florida in the United States.

Mrs. Jariwalla has been a member of good standing of the Florida Bar since 2005. Mrs. Jariwalla is currently residing abroad and therefore her correspondence address is in the United Kingdom.

Mrs. Jariwalla’s Florida bar number is 11941.

Extension of Time

Applicant acknowledges that opposer consented to a two-week extension of time for applicant to file it’s answer, however applicant requests that the interlocutory attorney grant applicant a standard 30 day extension as parties are currently in withdrawal settlement negotiations and it is not known how long these will take to conclude. Applicant would prefer to

withdraw the application if an agreement can be reached rather than continue with the opposition and be bound to file an Answer in relation to the same.

Applicant thus requests confirmation by interlocutory attorney as to the new deadlines and updated scheduling order in this opposition.

Dated: January 16, 2014

Respectfully submitted,

NUTRITIONAL SCIENCE
SOLUTIONS LIMITED

By it's attorney,

/s/ Waheedan Jariwalla
Waheedan Jariwalla, Esq.
69 Uxbridge Lane
Gloucester, England, UK
waheedan@jariwalla.com

Certificate of Service

I certify that on January 16, 2014 I caused a copy of the foregoing RESPONSE TO INTERLOCUTORY ATTORNEY to be transmitted by email to opposer's attorney Paul J.

Reilly at:

Paul.Reilly@bakerbotts.com.

January 16, 2014

Date

/wj/

Waheedan Jariwalla, Esq.